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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,677	12/22/2000	V. Michael Bove JR.	WMI-004CN5	4961

23363 7590 12/23/2003

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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,677

Applicant(s)

BOVE ET AL.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 52-75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 13 December 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
2. The parent application was unavailable at the time of prosecution. All of the U.S. Patents have been considered, but no foreign or non-patent literature has been considered. Applicant is requested to submit the foreign and non-patent literature listed in the Information Disclosure Statement filed 13 December 2001 so the examiner can consider these references.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 52-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. in view of U.S. Patent 5,861,881 to Freeman et al.

Regarding claims 52, 55, 58, 64, 67, 70, Kaiser teaches a visual highlight as shown in figure 6B, which reads on a mask generator for providing a plurality of

overlays. Kaiser teaches a receiver for receiving the streams and receiving user input (fig. 1, label 1300). Further, Kaiser teaches placing plural placement zones regions in a plurality of frames thereby permitting a plurality of zones to be presented simultaneously (col. 6, ll. 25-34). Further, Kaiser teaches receiving selection input identifying an overlay by selecting an action to be performed (col. 9, ll. 48-65), but Kaiser is silent on switching from one video stream to a second stream. Freeman teaches in response to past user inputs, at trigger points inserting another video stream being concurrently broadcasted (col. 13, ll. 28-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by switching video streams as taught by Freeman in order to increase user interactivity and provide desirable programming to the user.

Regarding claims 53, 56, 59, 65, 68, 71, Kaiser teaches sending input to a remote location via a backchannel communications connection, as shown in figure 1 with the Internet as the data network (col. 5, ll. 45-54).

Regarding claims 54, 57, 60, 66, 69, 72, Kaiser teaches location and shape information of the regions (fig. 6B, col. 10, ll. 20-41).

Regarding claims 61 and 73, Kaiser is silent on a plurality of video stream identifiers associated with one of the plurality of video streams. Official Notice is taken that PIDs are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using PIDs in order to identify one of the plurality of program streams thereby enabling the receiving device to decode desirable packets of data. Kaiser teaches a visual highlight

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as shown in figure 6B, which reads on a mask overlay. Kaiser teaches placing plural placement zones regions in a plurality of frames thereby permitting a plurality of zones to be presented simultaneously (col. 6, ll. 25-34). Kaiser teaches receiving selection input identifying an overlay by selecting an action to be performed (col. 9, ll. 48-65). The mask has corresponding actions that can be taken (fig. 6C, 6D, label 6400), which equates to a first data structure element. Kaiser teaches an action resource retrieval step (col. 9, ll. 48-65), which reads on a second data structure element, but is silent on switching from one video stream to a second stream. Freeman teaches in response to past user inputs, at trigger points inserting another video stream being concurrently broadcasted (col. 13, ll. 28-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by switching video streams as taught by Freeman in order to increase user interactivity and provide desirable programming to the user.

Regarding claims 62 and 74, Kaiser teaches location and shape information of the regions (fig. 6B, col. 10, ll. 20-41).


Regarding claims 63 and 75, Kaiser is silent on an audio and private data stream associated with the first one of the said plurality of video streams. Official Notice is taken the associating an audio and private data stream with video is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by associating an audio and private data stream with video in order to organize related data thereby enabling the receiver to efficiently access different streams.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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